



## Clean Energy Future Committee

Date: Friday May 28, 2021

Time: 8:15 a.m.

Location: Conducted via remote participation

To register for the Zoom Meeting:

<https://us02web.zoom.us/join/zoom/register/tZUkd-CprTktGtU3AMozpW2EgjQo1YLnA2H>

After registering, you will receive a confirmation email containing information about joining the meeting.

Members of the public are asked to send written comment to: [kpruitt@town.arlington.ma.us](mailto:kpruitt@town.arlington.ma.us).

### **\*Notice to the Public on meeting privacy\***

In the interests of preventing abuse of videoconferencing technology (e.g. "Zoom Bombing") all participants, including members of the public, wishing to participate via Zoom must register for each meeting and will notice multi-step authentication protocols. Please allow additional time to join the meeting. Further, members of the public who wish to participate without providing their name may still do so by telephone at 929-436-2866 Meeting ID: 819 0913 2701.

Documents related to the below agenda items follow as attachments to this document.

### **Agenda**

8:15 – 8:20: Meeting ground rules

8:20 – 8:25: Review & Approve Minutes from 4/23/2021 and 5/14/2021 meetings

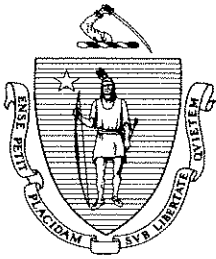
8:25 – 8:35: Update on Town Meeting Warrant Article 38

8:35 – 9:15: Net Zero Action Plan priorities for after Town Meeting

Next meeting: June 25

### **Attachments:**

- 1) Governor Charles Baker's 3/12/2020 Executive Order Suspending Certain Provisions of the Open Meeting Law
- 2) Draft minutes from 4/23/2021 and 5/14/2021 meetings



OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE • BOSTON, MA 02133  
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**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS  
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

**WHEREAS**, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

**WHEREAS**, many important functions of State and Local Government are executed by "public bodies," as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

**WHEREAS**, both the Federal Centers for Disease Control and Prevention ("CDC") and the Massachusetts Department of Public Health ("DPH") have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

**WHEREAS**, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

**WHEREAS**, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

**WHEREAS** section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

**NOW THEREFORE**, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

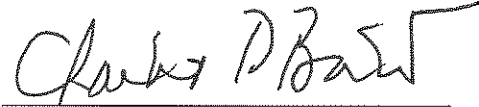
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:40 PM this 12th day of  
March, two thousand and twenty.

A handwritten signature in dark ink, appearing to read "Charles D. Baker". The signature is written in a cursive, flowing style. The first name "Charles" is written in a larger, more prominent script, followed by "D." and "Baker". The signature is positioned above a horizontal line.

CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts



## **Clean Energy Future Committee Meeting Minutes**

*Draft – for approval at the 05-28-2021 meeting*

April 23, 2021

8:15 – 9:30 a.m.

Virtual Meeting – Hosted on Zoom

Members present: Jim DiTullio, Ken Pruitt, Dave Levy, Emily Sullivan, Dan Amstutz, Pasi Miettinen, Ryan Katofsky, Shelly Dein, Coralie Cooper

Also attending: Brucie Moulton, Gene Benson

Members not present: Adam Chapdelaine, Diane Mahon, Marc Breslow, Nellie Aikenhead

The meeting convened at 8:17 a.m.

### **Video Meeting Procedures**

Mr. Pruitt read a set of prepared remarks explaining the procedures that the Committee would follow to hold a virtual meeting. Governor Baker signed an Executive Order in response to the COVID-19 pandemic allowing virtual meetings, which suspended the usual Open Meeting Law requirement that a quorum of committee members be physically present in order to hold an official committee meeting.

### **Meeting Minutes**

Mr. Pruitt displayed the minutes from the March 26, 2021 Meeting. He asked the Committee to review the minutes. He noted he received comments from Mr. Amstutz prior to the meeting and showed those changes on screen. Mr. Katofsky motioned to approve the minutes as amended. Ms. Dein seconded the motion. A roll call vote was taken. The members unanimously approved the March 26, 2021 meeting minutes.

### **Agenda Item 1: Nominations and Election of Officers**

Mr. Pruitt noted that the election of officers was first discussed in the March meeting. He said that at this meeting, we would nominate and vote for officers (a Chair and a Secretary). Mr. Pruitt first asked for a motion to accept nominations for the officers. Mr. Miettinen motioned, and Mr. Katofsky seconded the motion. The Committee unanimously approved the motion to accept nominations for officers.

Mr. Pruitt asked first for a nomination for a Minutes Secretary. There were no immediate nominations made by other Committee members, so Mr. Pruitt nominated David Levy for Secretary. Ms. Dein seconded the nomination. Mr. Pruitt asked for any other nominations for Secretary. Mr. Amstutz asked a procedural question about the term of each position. Mr. Pruitt suggested the initial terms would be for the remainder of 2021. Starting in 2022, each position would serve a full year term. The Committee agreed that these term limits would be appropriate. Mr. Levy stated that he would be willing to serve as Secretary.

The Committee unanimously approved the election of David Levy as Secretary.

Mr. Pruitt turned to the nomination of Committee Chair. Mr. Pruitt nominated Ms. Coralie Cooper to be Chair. Mr. Miettinen seconded the motion. Ms. Cooper accepted the nomination. Mr. Pruitt asked for other nominations. Ms. Cooper noted it would be an honor to be Committee Chair.

The Committee unanimously approved Ms. Cooper to be Chair of the Committee.

Mr. Pruitt and Ms. Cooper agreed that Mr. Pruitt would close out this April meeting as acting Chair.

## **Agenda Item 2: Town Meeting Update**

Mr. Pruitt turned to the upcoming Town Meeting. He noted that Mr. Levy recorded a committee report about the CEFC, which focused on the Net Zero Action Plan. He said he would share the link to that video after the meeting.

Mr. Pruitt then turned to Warrant Article 38, titled "Zoning Bylaw Amendment/Energy Efficient Homes on Nonconforming Lots." Mr. Pruitt mentioned that a CEFC working group was leading efforts to promote this Article to Town Meeting Members. Mr. Miettinen updated the Committee on the discussions to date, describing the documents that have been created and the outreach at precinct meetings that has occurred.

Mr. Pruitt noted that given his understanding of the Town Meeting schedule, the Article may not come up for a vote for at least one if not two weeks. He said outreach and planning efforts to promote this warrant article were ongoing.

Ms. Cooper mentioned that the CEFC was also working with Mothers Out Front, getting volunteers to email Town Meeting Member precincts. Ms. Cooper said so far, some precincts were not covered by these emails but she hoped there would eventually be more complete outreach.

Mr. DiTullio thanked everyone who has volunteered to date to present at precinct meetings. He agreed it was likely that it would be at least two weeks before the article would come up for a vote. Mr. DiTullio noted his concern that this article could be "tied to" another Warrant Article that poses a moratorium on teardowns, and that Warrant

Article 38 could be portrayed as “pro-teardown.” He asked Committee members to monitor concern on the teardown moratorium article.

Ms. Dein noted she heard a presentation by Mr. Miettinen at one precinct meeting but said she has not heard much concern about teardowns there or elsewhere.

(Note Emily Sullivan had to leave at this point in the agenda, at 8:48 a.m.)

Mr. Katofsky said he presented at one meeting and attended another. He said he heard one concern about vacant lots being developed and another concern about size of homes. Mr. Katofsky acknowledged there is a small percentage of lots where a larger home could be developed but only if the home is highly energy-efficiency.

Mr. Gene Benson then thanked the CEFC for its efforts to date. He also noted the concerns he has heard about the number of teardowns and the potential for this to cause housing to become less affordable. He said he believed that criticism was inaccurate.

Mr. DiTullio noted he received two questions for Town residents. The first one was a concern that anyone who would remove and replace a foundation would likely be a developer, so that Warrant Article 38 would just be a tool to facilitate teardowns. He said the other comment was that a new foundation isn’t necessary to make a home energy efficient. Mr. DiTullio noted his preference was to keep the messaging at a “high level” to avoid getting bogged down in the minutiae – to emphasize this as being a key tool to help accomplish the Town’s climate goal. The measure is an essential part of the 2050 Net Zero Action Plan.

Mr. Levy made similar comments. Mr. Miettinen noted if someone wants to rebuild a house, they will do so whether they can rebuild the foundation or not. He also emphasized the equity argument. If 28% of building foundations can never be replaced but 72% can, what are homeowners on non-conforming lots supposed to do when their foundations need replacement?

(Note Mr. DiTullio and Mr. Levy left at this point in the agenda at 9 a.m.)

Mr. Katofsky noted he fielded a question about whether a whole house needs to meet the efficiency standard, or just the basement. The correct response is the whole house needs to meet a Home Energy Rating System (HERS) score of 44.

Mr. Benson said the joint 8/10 precinct meeting may have a number of opponents who will raise arguments against this measure, most of which have probably already been heard.

Mr. Miettinen noted that non-conforming lots are not distributed evenly throughout the town. Precinct 20 has many as does East Arlington. A good message is that one precinct may not have the same rights as another – again, an equity argument. He noted also that if CEFC members hear of individuals who will be supportive, neutral or

opposed we can code them in a tracking sheet so we have a sense of who needs follow-up.

Mr. Benson noted the Arlington Redevelopment Board (ARB) put out a report on the Town Meeting web page which goes through each of the zoning-related articles and the ARB's position on each. He asked everyone to support the industrial zoning article which has strong climate elements in it, such as a solar roof requirement, permeable pavement, and mixed-use buildings. There will be significant opposition to the article.

### **Agenda Item 3: Implementation Priorities**

Mr. Pruitt stated the CEFC has begun to form a working group to develop implementation priorities for the Net Zero Action Plan (NZAP). Mr. Miettinen, Mr. Katofsky, Mr. Breslow, Mr. Pruitt, and Ms. Brucie Moulton (a resident volunteer - not a CEFC member) offered to participate. Ms. Cooper also volunteered to participate. Mr. Pruitt listed a few ways the working group might prioritize measures: those labeled as highest priority in the NZAP should rise to the top of what we focus on for the year. Within each priority level ("High" vs. normal) the CEFC also numbered the measures in order of priority, so that should be a key consideration. Mr. Pruitt suggested that, if we see strategic opportunities (funding availability or the measure if favored by town boards or departments for example), this could also help determine the CEFC's priority work at any given time. Mr. Pruitt noted that we need to consider lead time – for example, the need to begin work on a measure well before Town Meeting when a proposed warrant article is expected to draw opposition. He also suggested that the working group should take into consideration resources required – staff time or funding. Any or all of these considerations could push the priority back or forward in time.

The CEFC discussed guidance for the NZAP implementation working group. Mr. Katofsky noted the minutes for the March meeting said we might have stimulus funding available, which should be considered early. Also, we should make sure we allocate enough time for anything that requires significant analysis or other kinds of lead time. Ms. Dein asked the extent to which the Net Zero Action Plan has been shared throughout the Town. She stated that decisions sometimes get made without a complete understanding of a more progressive way of doing things. To the extent the Action Plan states that Town department heads should be informed about measures, that action should be identified and the effort should be factored into the implementation plan. She also pointed to the need to identify impacted parties and to involve them in planning for the implementation of measures.

Mr. Miettinen said in general it would be beneficial to put ideas out there earlier and get feedback from people. For Warrant Article 38, some criticism has been helpful and more time would have allowed adjustments to be made before the measure was placed on the Town Meeting Warrant.

Mr. Amstutz stated (with regard to Mr. Katofsky's point about the need for analysis) that, in terms of resources needed if the measure requires a study or larger background to be gathered, the working group should identify consulting services as "resources" because Town staff won't always be able to do all the work. This is important when it comes to



funding. The working group should also drill down and identify what tasks/steps need to happen, for example, who do we need to talk to? What is the scale/where will infrastructure be sited? We should also get guidance from the Town Manager – for example the NZAP proposed policy about purchasing zero emissions vehicles. Does this policy come out of Town Manager's office? This is also important so that, when you have conversations with departments, it's clear there is support from the Town.

Mr. Benson stated the working group should figure out what impact or outcome there will be before prioritizing a measure. He recommended outreach to the ARB sooner rather than later. He said it would be great if there was an amendment to environmental design review that tied it to the Net Zero Action Plan so it's one of the criteria that is discussed as part of the permit process. He recommended thinking about three tracks – 1) what is the Town doing itself to implement the measure? 2) do you need funding for consultants/outreach to community? 3) do you want to tee up something for a zoning amendment or bylaw amendment?

Ms. Moulton said a priority should be to educate residents so they are knowledgeable when they talk to Town government. She recommended we start planning on-going outreach. She also suggested we look at what we need to do by 2025 and work backwards from there.

Mr. Amstutz noted residents need to be informed but it is also important that government is a good role model and it leads by example.

Mr. Pruitt asked when the working group should convene. The group agreed that before the next CEFC meeting (May 28<sup>th</sup>) and after the effort on Warrant Article 38 is considered by Town Meeting. Mr. Pruitt will send out a scheduling poll for the week of May 10<sup>th</sup>.

Submitted by Dave Levy and Coralie Cooper.



## **Clean Energy Future Committee Meeting Minutes**

*Draft – for approval at the 05-28-2021 meeting*

May 14, 2021

11:00 a.m. – 12:00 p.m.

Virtual Meeting – Hosted on Zoom

Members present: Coralie Cooper (Chair), Jim DiTullio, Ken Pruitt, Dave Levy, Emily Sullivan, Pasi Miettinen, Ryan Katofsky, Nellie Aikenhead, Marc Breslow, Shelly Dein

Also attending: Kelly Lynema, Chris Loreti

Members not present: Adam Chapdelaine, Dianne Mahon, Dan Amstutz

The meeting convened at 11:05 a.m.

### **Video Meeting Procedures**

Mr. Pruitt read a set of prepared remarks explaining the procedures that the Committee would follow to hold a virtual meeting. Governor Baker signed an Executive Order in response to the COVID-19 pandemic allowing virtual meetings, which suspended the usual Open Meeting Law requirement that a quorum of committee members be physically present in order to hold an official committee meeting.

### **Meeting Minutes**

No meeting minutes were approved at this meeting

### **Agenda Item 1: Warrant Article 38 – Energy Efficient Homes on Nonconforming Lots**

Ms. Cooper thanked everyone for joining. She provided an overview of the status of Warrant Article 38 at Town Meeting, and an overview of a proposal from a group of CEFC members to amend the Article.

Ms. Cooper explained that the Article allows new efficient foundations to be installed on non-conforming lots in the R0, R1 and R2 zoning districts when a home is replaced – something that is currently not allowable. The CEFC had originally estimated that this would affect 29% of existing lots in those districts. For lots over 5,000 feet in those districts, Warrant Article 38 would also allow for an expansion of the foundation footprint in some cases (the lots would become conforming lots and would simply need to meet dimensional requirements for conforming lots).

Ms. Cooper noted that, based on information that has recently come to light, the number of nonconforming lots sized between 5,000 and 6,000 square feet is much larger than originally estimated, such that the total percentage of nonconforming lots in the R0-R2 districts is not 29 percent, but closer to 50 percent. Ms. Cooper noted that some Town Meeting Members have expressed a concern about tear-downs that could result in larger homes on these lots.

Ms. Cooper noted that the group working on this article is proposing an amendment to the article that would, in effect, require owners of lots over 5,000 square feet to apply for a special permit to increase their home's footprint.

Mr. Pruitt screen shared the article. Mr. Levy noted that, given Town Meeting rules, any amendment would need to be filed as soon as possible since amendments must be filed at least 48 hours before the meeting at which they are considered.

Mr. Breslow raised a concern about whether this article could cause a rapid increase in teardowns of homes on lots with less than 5,000 square feet. Mr. Miettinen noted that existing zoning rules would apply to those lots, and a larger foundation could not be built on lots with less than 5,000 square feet.

Mr. Breslow asked if we anticipated any other objections to the article. Mr. Pruitt noted the primary concern voiced thus far was about teardowns resulting in bigger homes, but that this concern should be eliminated with the proposed amendment. Mr. Katofsky noted this would create more equity between conforming and nonconforming lots and said he would support this.

Mr. Levy asked if he should be the one to file the amendment. Mr. DiTullio agreed he would be the correct person. Mr. Levy then said for various reasons he supported this amendment as it strikes the right compromise.

Ms. Lynema provided some background on research by the Department of Planning and Community Development on the number of housing lots in various categories that had been conducted in support of this warrant article.

Mr. Loreti thanked the Committee for proposing the amendment. He said he thought that the solution is a good one, and is a good compromise. Mr. Loreti suggested the CEFC go to the Redevelopment Board on Monday and ask it to propose the amendment.

Mr. Levy and Mr. Loreti discussed the technical approach to moving forward with an amendment. Mr. Pruitt suggested that, if approved, Mr. Levy could file the amendment with the Town Meeting Moderator and simultaneously Mr. Pruitt could work with Ms. Raitt and the ARB to put it on the ARB's agenda for Monday night.

Mr. Katofsky motioned for a vote on the proposed amendment. Mr. Levy seconded.

A roll call vote was taken. The Committee unanimously approved the motion to amend Warrant Article 38 by removing the second bullet point under Section 5.4.2.B(8) – which would delete the words “The lot has at least 5,000 square feet of area, or.”

Mr. DiTullio and Mr. Levy then discussed the sequencing of the amendment and how Mr. Pruitt would take next steps with the Arlington Redevelopment Board.

Ms. Dein asked for someone to provide a short written summary of the amendment and why it is being proposed so that outreach to Town Meeting Members could be done effectively.

Ms. Cooper asked if an email to all Town Meeting Members would be welcome. Mr. Pruitt suggested he would send Mr. Levy the amendment language so that Mr. Levy could work with Mr. Leone (Town Meeting Moderator) on the amendment.

Mr. Miettinen said he would work on an updated fact sheet.

Mr. Levy motioned to adjourn. Mr. Pruitt seconded. The Committee voted unanimously to adjourn.

The Meeting ended at 11:43am.

Submitted by Dave Levy.